

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MISSOURI**

In Re:)	
)	
Rebecca M. Kostecki, and Gregory S. Kostecki, <i>Debtor</i>)	
)	Case No. 15-48759-659
Bank of America, N.A., loan servicing agent for <i>Moving</i>)	Chapter 13
<i>Creditor</i>)	
)	Motion No. 21
vs.)	
)	STIPULATION AND ORDER
Rebecca M. Kostecki, and Gregory S. Kostecki, <i>Debtor</i>)	
)	Original Hearing Date:
and)	July 18, 2016
)	Original Hearing Time
John V. LaBarge, Jr., <i>Trustee</i>)	10:00 AM
)	

**CONSENT ORDER AND
STIPULATION IN SETTLEMENT OF MOTION FOR RELIEF**

COMES NOW the parties and agree to the following Consent Order and Stipulation in the settlement of the Movant's Motion for Relief:

1. On **June 10, 2016** Movant filed its Motion for Relief from the Automatic Stay with respect to the property known as:

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF ST. LOUIS, STATE OF MISSOURI AND FURTHER DESCRIBED AS FOLLOWS: LOT 5 OF STAUB SUBDIVISION, A SUBDIVISION IN ST. LOUIS COUNTY, MISSOURI, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 44 PAGE 49 OF THE ST. LOUIS COUNTY RECORDS. BEING THE SAME PROPERTY CONVEYED TO REBECA M. NEELS, A SINGLE PERSON BY DEED FROM JAMES J. NEELS, PERSONAL REPRESENTATIVE OF THE ESTATE OF CLEMENTINE M. HEAGHNEY, DECEASED DATED 01/12/2004 RECORDED 02/03/2004 IN DEED BOOK 15618 PAGE 1272, IN THE RECORDER'S OFFICE OF ST. LOUIS COUNTY, MISSOURI., commonly known as 4427 Schmittwoods Court, Saint Louis, MO 63123 (the "Property")

2. The parties agree that the total post-petition delinquency including fees and costs is \$6,994.00 for 5 Payments at \$1,244.75 (3/1/16-7/1/16), \$600.00 for MFR Fees, \$176.00 for MFR filing fees, and with a suspense balance of \$5.75. Movant is not adequately protected if post-petition payments are not made by Debtor.

3. Debtor will cure this post-petition delinquency by making the following additional payments no later than the date indicated in this paragraph.

Arrearage Payment	Due Date
\$2,000.00	Down Payment Recvd 7/20/16
\$832.33	8/15/16
\$832.33	9/15/16
\$832.33	10/15/16
\$832.33	11/15/16
\$832.33	12/15/16
\$832.35	1/15/17

4. Debtor shall make all monthly post-petition payments as they become due to the address provided by Movant in the monthly mortgage statement required by the Court's Implementation Order in the paragraph identified as "Disclosure of Real Estate Mortgage Payment Obligations."

5. Movant's attorney fees and costs sought in the Motion, or any balance thereon, are included in the total post-petition arrearages state above and are hereby granted and assessed against the Debtor in the total amount of \$776.00

6. Debtor authorizes Movant to mail to Debtor: (1) monthly mortgage statements; (2) account statements including an escrow analysis; and (3) notices regarding address or payment changes provided such a change is authorized by the Note and Deed of Trust. Debtor consents to direct contact by mail for purposes of receiving this information and waives any claim for violation(s) of the automatic stay regarding the same.

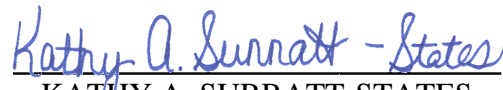
7. The terms of this Stipulation and the agreement reached between the parties shall remain in effect so long as the automatic stay remains in effect as to this Movant. In the event the automatic stay shall no longer remain in effect as to Movant, this Stipulation shall become null and void. In the event the case is converted to another Chapter under Title 11 and pre-petition and post-petition arrearages remain unpaid, Movant shall be granted relief from the automatic stay after providing the notice as set forth in the following paragraph.

8. Parties agree that in the past, Debtor has tendered payment by a personal check, which has been returned for insufficient funds. Parties agree Debtor shall make payments under Paragraphs 3 and 4 in the form of certified funds, including cashier's check, money order, or Western Union.

IT IS ORDERED, ADJUDGED AND DECREED THAT in the event the Debtor fails to comply with any of the conditions specified in this Stipulation and Order, the Movant shall file a written Notice of Breach with the Court, and serve a copy upon the Trustee, counsel for the Debtor, and the Debtor. Such Notice shall include a

statement of any alleged breach, including an itemization of all delinquent payments and the total amount necessary to cure the breach. Movant shall be allowed attorney fees in the amount of \$50.00 for the preparation of any Notice of Breach under this paragraph and such fees shall be included in the total amount required to cure the delinquency. Movant shall be allowed additional attorney fees in the amount of \$100 for attendance at each hearing related to a Notice of Breach.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that if the Debtor fails to cure the delinquency in full or fails to file an objection to the Notice of Breach within 14 (fourteen) calendar days of the date of the Notice, Movant shall be entitled to immediate relief from the automatic stay of 11 U.S.C. §362(a) without further notice or hearing upon entry of an order for relief. For such purposes, Movant shall be free to exercise all of its rights and remedies under the Promissory Note, Deed of Trust, or as may otherwise be provided for by law. An order entered under this paragraph shall not be stayed until the expiration of 14 days after the entry of the order. All other relief requested by Movant is hereby denied without prejudice as settled.


KATHY A. SURRATT-STATES
Chief United States Bankruptcy Judge

DATED: August 10, 2016
St. Louis, Missouri
jjh

“Debtors”

By: /s/ Sean C. Paul
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8917 Gravois Rd., 2nd Floor
St. Louis, MO , 63123
ATTORNEY FOR DEBTOR

“Movant”

SOUTHLAW, P.C.
/s/ Wendee Elliott-Clement
Steven L. Crouch, (MBE #37783; EDMO #2903; KSFD
#70244)
Daniel A. West (MBE #48812; EDMO #98415; KSFD
#70587)
Wendee Elliott-Clement (MBE #50311; KS #20523)
Ashley B. Osborn (MBE #59427; KS #23272)
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TRUSTEE

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U.S. TRUSTEE

SOUTHLAW, P.C.

/s/ Wendee Elliott-Clement

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